

### REMARKS

Claims 21-30 are pending in this application. Applicants have amended claims 21 and 30 to indicate that the load cell is connected to the upper plate while also touching the lower plate via a load pin. Basis for this amendment can be found in FIG. 3a and on page 11, lines 13-17 of the specification. Applicants respectfully submit that no new matter has been added.

Applicants wish to thank the Examiner for the indication that claims 22-29 recite allowable subject matter.

Claims 21 and 30 stand rejected under 35 USC § 102(b) as being anticipated over U.S. Patent No. 5,291,795 issued to Hafner (hereinafter "Hafner"). These rejections are traversed for at least the following reasons.

The Manual of Patent Examining Procedure "MPEP" § 2131 states that, in order to anticipate a claim, a reference must teach every element of the claim:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)."

Applicants respectfully submit that the Hafner reference has failed to disclose all the elements of claims 21 and 30 as amended herein.

Claim 21 is drawn to an apparatus for measuring a load applied to a quantity of material. Claim 30 is drawn to an apparatus for calculating a location of a resultant force. Both claim 21 and 30, as amended, are drawn to an apparatus having "a load cell assembly comprising at least three load cells, each load cell comprising an upper portion and a load pin, wherein the upper portion of the load cell is connected to the outer plate and the load pin of the load cell contacts the inner plate." See Claims 21 and 30. (emphasis added).

The Hafner reference discloses a force transmission element for force or moment measuring devices. While Hafner discloses an upper 12 and lower 16 plate, it fails to disclose a load cell sensor which is connected to the outer plate and contacts the inner plate. The sensor 30 is either housed in the lower plate 16 (See FIGS. 1-4, 11, 13-20, 26-27 and col 4, lines 19-31) or

embedded in a block of elastomeric material 14 (See FIGS. 5-10, 12, 21-25 and col. 6, lines 8-10). Hafner fails to disclose any embodiment wherein the sensor or load cell is connected to the upper plate and also contacts the lower plate. As the Hafner reference fails to teach all of the elements of claims 21 and 30, Applicants submit that the reference fails to anticipate claims 21 and 30. Applicants respectfully request that the Examiner withdraw the rejection to claims 21 and 30 on this ground.

### SUMMARY

Based on the foregoing, Applicant respectfully submits that the present application is in condition for allowance, and a favorable action thereon is respectfully requested. Should the Examiner feel that any other point requires consideration or that the form of the claims can be improved, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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